

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

ARNOLD MOTL	§	
<i>Plaintiff,</i>	§	
	§	
	§	
V.	§	CIVIL ACTION NO. 6:15-cv-15-377
	§	(Jury)
SCHNEIDER NATIONAL CARRIERS, INC., a.k.a. SCHNEIDER NATIONAL BULK CARRIERS, INC., & DETONIO A. PRICE	§	
<i>Defendants.</i>	§	

INDEX OF MATTERS BEING FILED

TO THE HONORABLE COURT:

Defendants, SCHNEIDER NATIONAL CARRIERS, INC., (improperly named "SCHNEIDER NATIONAL CARRIERS, INC., a.k.a. SCHNEIDER NATIONAL BULK CARRIERS, INC.") attaches this Index of Matters Being Filed to its Notice of Removal.

1. Plaintiff's Original Petition filed 11/05/2015;
2. Cover Letter for Citations;
3. Request for Service Form;
4. EFiling Case Information Sheet;
5. Clerks Copies of Citations by Mail x2;
6. Served CICM to Schneider National Carriers, Inc. – Signed;
7. Defendant's Verified Original Answer and Request for Disclosures filed 12/18/2015;
8. EFiling Case Information Sheet;
9. Defendant Schneider Nation Carriers, Inc.'s Notice of Intention to Use Documents and Tangible Items;
10. EFiling Case Information Sheet; and
5. Case Docket Sheet.

Respectfully submitted,

CASTAGNA SCOTT LLP
1120 S. Capital of Texas Highway
Building 2, Suite 270
Austin, Texas 78746
512/329-3290
888/255-0132 fax

By: /s/ Celeste Kronenberger
Lynn S. Castagna
State Bar No. 03980520
Celeste P. Kronenberger
State Bar No. 24048946
celeste@texasdefense.com

**ATTORNEYS FOR DEFENDANT
SCHNEIDER NATIONAL CARRIERS, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent by certified mail, return receipt requested, facsimile, or hand delivery to:

Via Facsimile: (254) 939-3996

Steven B. Fuller
Miller & Pearson, Attorneys at Law
520 S. Main Street
Belton, Texas 76513

in accordance with the Federal Rules of Civil Procedure, on this 29th day of December, 2015.

/s/ Celeste Kronenberger
Celeste P. Kronenberger

COPY

NO. 281,077-C

ARNOLD MOTL
 Plaintiff,

V.

SCHNEIDER NATIONAL CARRIERS,
 INC, a.k.a. SCHNEIDER NATIONAL
 BULK CARRIERS, INC, & DETONIO
 A. PRICE
 Defendants.

§ IN THE DISTRICT COURT
 §
 § 169TH JUDICIAL DISTRICT
 §
 §
 § OF BELL COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES ARNOLD MOTL, hereinafter called Plaintiff, complaining of and about SCHNEIDER NATIONAL CARRIERS, INC, also known as SCHNEIDER NATIONAL BULK CARRIERS, INC, & DETONIO A. PRICE (SCHNEIDER), hereinafter called Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, ARNOLD MOTL, is an Individual whose address is 10345 Burgess Road, Temple, Texas 76501.

3. The last three numbers of ARNOLD MOTL's driver's license number are 253. The last three numbers of ARNOLD MOTL's social security number are 797.

4. Defendant SCHNEIDER NATIONAL CARRIERS, INC., a Nonresident Corporation, may be served pursuant to sections 5.201 and 5.255 of the Texas Business Organizations Code by serving the registered agent of the corporation, CT CORPORATION SYSTEM, at 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136, its registered office. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

5. Defendant DETONIO A. PRICE, an Individual who is a nonresident of Texas, may be served with process at his home at the following address: 1800 Lone Oak Park, West Point, Mississippi 39773. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

JURISDICTION AND VENUE

6. The subject matter in controversy is within the jurisdictional limits of this court.
7. Plaintiff seeks:
 - a. monetary relief over \$100,000 but not more than \$1,000,000.
8. This court has jurisdiction over the parties because the Plaintiff is a resident of Bell County, Texas, the accident occurred in Bell County, Texas, and the Defendants conduct business in the State of Texas.
9. This court has jurisdiction over Defendant SCHNEIDER NATIONAL CARRIERS, INC., because said Defendant purposefully availed itself of the privilege of conducting activities in the state of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant, and the assumption of jurisdiction over SCHNEIDER NATIONAL CARRIERS, INC. will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.
10. Furthermore, Plaintiff would show that Defendant SCHNEIDER NATIONAL CARRIERS, INC. engaged in activities constituting business in the state of Texas as provided by Section 17.042 of the Texas Civil Practice and Remedies Code, in that said Defendant committed a tort in whole or in part in Texas.
11. This court has jurisdiction over Defendant DETONIO A. PRICE, because said Defendant purposefully availed himself of the privilege of conducting activities in the state of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant, and the assumption of jurisdiction over DETONIO A. PRICE will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.
12. Furthermore, Plaintiff would show that Defendant DETONIO A. PRICE engaged in activities constituting business in the state of Texas as provided by Section 17.042 of the Texas Civil Practice and Remedies Code, in that said Defendant committed a tort in whole or in

part in Texas.

13. Venue in BELL County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

FACTS

14. Plaintiff brings this suit to recover damages for personal injuries and expenses sustained as a result of an automobile collision in Bell County, Texas, on or about November 7, 2013. Said incident was proximately caused by the negligence of Defendants. Defendants owned, operated, managed, and/or controlled a commercial vehicle, a tractor trailer, driven by DETONIO A. PRICE. Plaintiff was traveling south bound in Holland, Texas, on State Highway 95 in a 2003 Freightliner truck with a trailer in tow. With his right turn signal clearly flashing the Plaintiff "moved partially over into the center lane", as the Plaintiff observed a vehicle approaching the intersection on East Travis coming from the West. Plaintiff began a wide button hook turn to the west onto East Travis Street. In the course of the turn, the Defendant, following too closely and at an unsafe speed, collided with the Plaintiff as he navigated the right turn. Pictures of the collision show the Plaintiff's truck was already on East Travis Street when the Defendant collided with the Plaintiff's truck. The point of contact was the right side of the cab of the Plaintiff's truck. The police report states the Defendant acknowledged the right turn signal but "thought that unit 1", the Plaintiff, "was going to move into the center lane and turn left." The damage to the Plaintiff required his truck to be repaired and resulted in significant lost wages because the Plaintiff's truck was in repair. Multiple Stower's demands have been made upon Schneider National to no avail.

PLAINTIFF'S

CLAIM OF NEGLIGENCE AGAINST DETONIO A. PRICE

15. DETONIO A. PRICE had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

16. Plaintiff's injuries were proximately caused by DETONIO A. PRICE's negligent, careless and reckless disregard of said duty.

17. The negligent, careless and reckless disregard of duty of DETONIO A. PRICE consisted of, but is not limited to, the following acts and omissions:

- A. In that DETONIO A. PRICE failed to maintain a clear and reasonable distance between Plaintiff's motor vehicle and DETONIO A. PRICE's motor vehicle which would permit DETONIO A. PRICE to bring its motor vehicle to a safe stop without colliding into Plaintiff's motor vehicle;
- B. In that DETONIO A. PRICE failed to keep such distance away from Plaintiff's motor vehicle as a person using ordinary prudent care would have done;
- C. In that DETONIO A. PRICE was operating its motor vehicle at a rate of speed which was greater than that would have been operated by a person of ordinary prudence under the same or similar circumstances; and
- D. In that DETONIO A. PRICE failed to yield to a vehicle making a lawful and or reasonable right turn as a person using ordinary prudent care would have done.
- E. In that DETONIO A. PRICE failed to enter into the intersection only when it could have safely entered without interference or collision with other traffic, and specifically, with Plaintiff's motor vehicle; and

**PLAINTIFF'S CLAIM OF
NEGLIGENCE PER SE AGAINST DETONIO A. PRICE**

18. DETONIO A. PRICE's conduct described herein constitutes an unexcused breach of duty imposed by VTCA Transportation Code 545.062, and his use of a hand-held cellular phone in violation of state and federal law is per se negligent.

19. The Code requires an operator to maintain an assured clear distance between the vehicles and prohibits the use of a hand-held phone while operating a commercial vehicle.

20. Plaintiff is member of the class that VTCA Transportation Code 545.062 and the Federal Motor Carrier Safety Regulations (FMCSR) were designed to protect.

21. DETONIO A. PRICE's unexcused breach of the duty imposed by VTCA Transportation Code 545.062 and the FMCSR proximately caused the Plaintiff's injuries described herein.

**PLAINTIFF'S CLAIM OF
RESPONDEAT SUPERIOR AGAINST DETONIO A. PRICE**

22. At the time of the occurrence of the act in question and immediately prior thereto, DETONIO A. PRICE was within the course and scope of employment for SCHNEIDER.
23. At the time of the occurrence of the act in question and immediately prior thereto, DETONIO A. PRICE was engaged in the furtherance of SCHNEIDER'S business.
24. At the time of the occurrence of the act in question and immediately prior thereto, DETONIO A. PRICE was engaged in accomplishing a task for which DETONIO A. PRICE was employed.
25. Plaintiff invokes the doctrine of Respondeat Superior as against SCHNEIDER.

**PLAINTIFF'S CLAIM OF
NEGLIGENT ENTRUSTMENT AGAINST SCHNEIDER NATIONAL CARRIER**

26. On November 7, 2013, SCHNEIDER was the owner of the vehicle operated by DETONIO A. PRICE.
27. SCHNEIDER entrusted the vehicle to DETONIO A. PRICE, a reckless and incompetent driver.
28. SCHNEIDER knew, or through the exercise of reasonable care should have known, that DETONIO A. PRICE was a reckless and incompetent driver.
29. As described herein, DETONIO A. PRICE was negligent on the occasion in question.
30. DETONIO A. PRICE's negligence was the proximate cause of Plaintiff's damages.

**PLAINTIFF'S CLAIM OF
NEGLIGENCE AGAINST SCHNEIDER NATIONAL CARRIERS, INC.**

31. Defendant SCHNEIDER NATIONAL CARRIERS, INC. had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein.

32. Plaintiff's injuries were proximately caused by Defendant SCHNEIDER NATIONAL CARRIERS, INC.'s negligent, careless and reckless disregard of said duty.

33. The negligent, careless and reckless disregard of duty of Defendant SCHNEIDER NATIONAL CARRIERS, INC. consisted of, but is not limited to, the following acts and omissions:

- A. In that Defendant SCHNEIDER NATIONAL CARRIERS, INC. failed to maintain a clear and reasonable distance between Plaintiff's motor vehicle and Defendant SCHNEIDER NATIONAL CARRIERS, INC.'s motor vehicle which would permit Defendant SCHNEIDER NATIONAL CARRIERS, INC. to bring its motor vehicle to a safe stop without colliding into Plaintiff's motor vehicle;
- B. In that Defendant SCHNEIDER NATIONAL CARRIERS, INC. failed to keep such distance away from Plaintiff's motor vehicle as a person using ordinary prudent care would have done;
- C. In that Defendant SCHNEIDER NATIONAL CARRIERS, INC. was operating its motor vehicle at a rate of speed which was greater than that would have been operated by a person of ordinary prudence under the same or similar circumstances;
- D. In that Defendant SCHNEIDER NATIONAL CARRIERS, INC. failed to enter into the intersection only when it could have safely entered without interference or collision with other traffic, and specifically, with Plaintiff's motor vehicle; and

EXEMPLARY DAMAGES

34. Defendant SCHNEIDER NATIONAL CARRIERS, INC.'s acts or omissions described above, when viewed from the standpoint of Defendant SCHNEIDER NATIONAL CARRIERS, INC. at the time of the act or omission, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff and others. Defendant SCHNEIDER NATIONAL CARRIERS, INC. had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others.

35. Based on the facts stated herein, Plaintiff requests exemplary damages be awarded

to Plaintiff from Defendant SCHNEIDER NATIONAL CARRIERS, INC..

36. Defendant DETONIO A. PRICE's acts or omissions described above, when viewed from the standpoint of Defendant DETONIO A. PRICE at the time of the act or omission, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff and others. Defendant DETONIO A. PRICE had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others.

37. Based on the facts stated herein, Plaintiff requests exemplary damages be awarded to Plaintiff from Defendant DETONIO A. PRICE.

DAMAGES FOR PLAINTIFF, ARNOLD MOTL

38. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, ARNOLD MOTL was caused to suffer general damages in excess of \$100,000; special damages in excess of \$40,000; and to incur the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff, ARNOLD MOTL for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in BELL County, Texas;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Loss of earnings in the past;
- H. Loss of earning capacity which will, in all probability, be incurred in the future;
- I. Property damage to the truck and trailer in the amount of approximately \$10,000; and

J. Cost of medical monitoring and prevention in the future.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, ARNOLD MOTL, respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for damages in an amount within the jurisdictional limits of the Court; exemplary damages, excluding interest, and as allowed by Sec. 41.008, Chapter 41, Texas Civil Practice and Remedies Code, together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

Miller & Pearson, Attorneys at Law

Steven B. Fuller

By: _____
Steven B. Fuller
Texas Bar No. 24086939
Email: sfuller@bellcountylawyer.com
520 S. Main St
Belton, TX 76513
Tel. (254) 939-3995
Fax. (254) 939-3996
Attorney for Plaintiff
ARNOLD MOTL



281,077-C

520 S. Main Street P | 254.939.3995
Belton, TX 76513 F | 254.939.3996
WWW.BELLCOUNTYLAWYER.COM

November 5, 2015

Joanna Staton
Bell County District Clerk
P.O. Box 909
Belton, Texas 76513

Re: *ARNOLD MOTL v. SCHNEIDER NATIONAL CARRIERS, INC. & DOETONIO A. PRICE*

Dear Ms. Staton:

Please file the Plaintiff's Original Petition, issue citations, and serve the nonresident defendant's. Service of said Defendant as described above can be effected by certified mail, return receipt requested by the District Court Clerk.

Defendant SCHNEIDER NATIONAL CARRIERS, INC., a Nonresident Corporation, may be served pursuant to sections 5.201 and 5.255 of the Texas Business Organizations Code by serving the registered agent of the corporation:

CT CORPORATION SYSTEM
1999 Bryan Street
Suite 900, Dallas
Texas 75201-3136

Defendant DETONIO A. PRICE, an Individual who is a nonresident of Texas, may be served with process at his home at the following address:

1800 Lone Oak Park
West Point
Mississippi 39773

Thank you in advance for your assistance and cooperation in this matter.

Sincerely,

Steven B. Fuller

Steven B. Fuller
Attorney at Law

JOANNA STATON
BELL COUNTY DISTRICT CLERK
REQUEST FOR SERVICE

CAUSE NUMBER 281,077-C

STYLE Arnold Motl v. Schneider National Carriers, Inc., & Detonio A. Price

TYPE OF SERVICE REQUESTED	COST FOR SERVICE	
	DISTRICT CLERK	SHERIFF
Resident Citation	\$8.00	\$70.00
2 Non-Resident Citation	\$8.00	
2 Citation by Restricted Mail	\$80.00	
Citation to Secretary of State	\$12.00	
Citation to Secretary of State by Certified Mail	\$82.00	
Citation by Publication (newspaper)	\$78.00	
Citation by Publication (courthouse door)	\$78.00	
Show Cause	\$8.00	\$70.00
Temporary Restraining Order	\$8.00	\$100.00
Notice Application for Protective Order	\$8.00	\$20.00
Subpoena	\$8.00	\$70.00
Subpoena-Duces Tecum	\$8.00	\$70.00
Abstract of Judgment	\$8.00	\$125.00
Order of Sale	\$8.00	\$125.00
Capias	\$8.00	
Notice of Exjunction	\$8.00	
Order of Exjunction	\$8.00	\$125.00
Bench Warrant	\$8.00	\$125.00
Writ of Attachment	\$8.00	\$125.00
Writ of Execution	\$8.00	\$125.00
Writ of Garnishment	\$8.00	\$125.00
Writ of Habeas Corpus	\$8.00	\$100.00
Writ of Injunction	\$8.00	\$125.00
Writ of Possession	\$8.00	\$125.00
Writ of Sequestration	\$8.00	\$125.00
Expedited Foreclosures	\$86.00	
(includes certified & 1 st class mail)		
Other:		

 NAME AND ADDRESS OF PERSON TO BE SERVED:

See memo

TO BE SERVED BY:

Bell County Sheriff

Private Process

Back to Attorney

2 District Clerk

REQUESTED BY:

DATE REQUESTED:

[Print this page](#)

Case # 281,077-C

Case Information

Location Bell County - District Clerk
Date Filed 11/05/2015 10:58:37 AM
Case Number 281,077-C
Case Description
Assigned to Judge
Attorney Erena Streltsov
Firm Name Miller & Pearson, Attorneys at Law, PC
Filed By Mandy Clark
Filer Type Not Applicable

Fees

Convenience Fee \$12.34
Total Court Case Fees \$257.00
Total Court Filing Fees \$168.00
Total Court Service Fees \$2.00
Total Filing & Service Fees \$0.00
Total Service Tax Fees \$0.00
Total Provider Service Fees \$0.00
Total Provider Tax Fees \$0.00
Grand Total \$439.34

Payment

Account Name Chase Ink Card
Transaction Amount \$439.34
Transaction Response Approved
Transaction ID 12566701
Order # 007685561-0

Petition

Filing Type EFile
Filing Code Petition
Filing Description Plaintiff's Original Petition
Reference Number 14-694
Comments Please file petition and issue citation for service by the clerk of court by registered mail, return receipt requested
Status Accepted
Accepted Date 11/05/2015 12:15:58 PM
Fees

Court Fee	\$168.00
Service Fee	\$0.00

Optional Services

>Issue Citation - Registered Mail	\$160.00 (2 x \$80.00)
>Copies - Non-Certified	\$8.00 (16 x \$0.50)

Documents

<i>Lead Document</i>	Petition - Motor Vehicle Accident.pdf	<u>[Original]</u>	<u>[Transmitted]</u>
<i>Attachments</i>	Citation Cover - Motl.pdf	<u>[Original]</u>	<u>[Transmitted]</u>
<i>Attachments</i>	Request for Service - Motl.pdf	<u>[Original]</u>	<u>[Transmitted]</u>



server C/M

THE STATE OF TEXAS
CITATION BY MAIL
Cause No. 281077 - 0

To

**SCHNEIDER NATIONAL CARRIERS INC
 BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM
 1999 BRYAN STREET, SUITE 900
 DALLAS, TEXAS 752013136**

Defendant, in the hereinafter styled and numbered cause:

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** at or before 10:00 a.m. on the first Monday following the expiration of twenty (20) days from the date of service hereof, with the clerk of the **169TH DISTRICT COURT**, Bell County, Texas, to be held at the Bell County Justice Complex Building, District Courts in Belton, Texas, a copy of which accompanies this citation, in cause number 281077 - 0, styled

**ARNOLD MOTL
 VS
 SCHNEIDER NATIONAL CARRIERS INC**

filed in the said court on November 05, 2015.

This was issued at the request of attorney: STEVEN B. FULLER, 520 S. MAIN ST. BELTON, TEXAS 76513.

NOTICE TO Defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 AM on the first Monday following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you.

Witness, JOANNA STATON, District Clerk of Bell County, Texas.

Issued and given under my hand and seal of said Court at office in Belton, Texas, on November 16, 2015.

JOANNA STATON, District Clerk
 Bell County, Texas
 1201 West Huey Road
 P.O. Box 909
 Belton, Texas 76513
 By: Alice Clement Deputy Clerk
 CLEMENAA

CERTIFICATE OF DELIVERED BY MAIL

I certify that on 11/16/15 at 3:30 pm I mailed by United States Postal Service in postage prepaid envelopes, sent by certified mail, return receipt requested, true copies of the foregoing citation along with a copy of the **PLAINTIFF'S ORIGINAL PETITION** attached to each such citation, all in accordance with the District Clerk standard mailing procedures, and properly addressed to the following person and address:

By: Alice Clement Deputy Clerk
 CLEMENAA

7015 0640 0004 7843 9541 AAC CICM
 281,077-C
 Schneider National Carriers, Inc
 By Serving Its Registered Agent
 CT Corporation System
 1999 Bryan Street, Suite 900
 Dallas, TX 75201-3136

Clerk's
 Copy



server C/M

THE STATE OF TEXAS
CITATION BY MAIL
Cause No. 281077 - 0

To

**DETONIO A. PRICE
1800 LONE OAK PARK
WEST POINT, MISSISSIPPI 39773**

Defendant, in the hereinafter styled and numbered cause:

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** at or before 10:00 a.m. on the first Monday following the expiration of twenty (20) days from the date of service hereof, with the clerk of the **169TH DISTRICT COURT**, Bell County, Texas, to be held at the Bell County Justice Complex Building, District Courts in Belton, Texas, a copy of which accompanies this citation, in cause number 281077 - 0, styled

**ARNOLD MOTL
VS
SCHNEIDER NATIONAL CARRIERS INC**

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Witness, JOANNA STATON, District Clerk of Bell County, Texas.

Issued and given under my hand and seal of said Court at office in Belton, Texas, on November 16, 2015.

**JOANNA STATON, District Clerk
Bell County, Texas
1201 West Huey Road
P.O. Box 909
Belton, Texas 76513**
By: Alice Clement Deputy Clerk
CLEMENAA

CERTIFICATE OF DELIVERED BY MAIL

I certify that on 11/16/15 at 3:30 pm I mailed by United States Postal Service in postage prepaid envelopes, sent by certified mail, return receipt requested, true copies of the foregoing citation along with a copy of the PLAINTIFF'S ORIGINAL PETITION attached to each such citation, all in accordance with the District Clerk standard mailing procedures, and properly addressed to the following person and address:

7015 0640 0004 7843 9558 AAC CICM
281,077-C
Detonio A. Price
1800 Lone Oak Park
West Point, MS 39773

By: Alice Clement Deputy Clerk
CLEMENAA

Clerk's
Copy

server C/M



**THE STATE OF TEXAS
CITATION BY MAIL
Cause No. 281077 - 0**

ORIGINAL

FILED

2015 DEC -4 AM 9:16

JOANNA STATON
DISTRICT COURT
BELL COUNTY, TX
By Alice Clement DEPUTY

To
**SCHNEIDER NATIONAL CARRIERS INC
BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM
1999 BRYAN STREET, SUITE 900
DALLAS, TEXAS 752013136**

Defendant, in the hereinafter styled and numbered cause:

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** at or before 10:00 a.m. on the first Monday following the expiration of twenty (20) days from the date of service hereof, with the clerk of the **169TH DISTRICT COURT**, Bell County, Texas, to be held at the Bell County Justice Complex Building, District Courts in Belton, Texas, a copy of which accompanies this citation, in cause number 281077 - 0, styled

**ARNOLD MOTL
VS
SCHNEIDER NATIONAL CARRIERS INC**

filed in the said court on November 05, 2015.

This was issued at the request of attorney: STEVEN B. FULLER, 520 S. MAIN ST. BELTON, TEXAS 76513.

NOTICE TO Defendant: You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 AM on the first Monday following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you.

Witness, JOANNA STATON, District Clerk of Bell County, Texas.

Issued and given under my hand and seal of said Court at office in Belton, Texas, on November 16, 2015.

**JOANNA STATON, District Clerk
Bell County, Texas
1201 West Huey Road
P.O. Box 909
Belton, Texas 76513**
By Alice Clement Deputy Clerk
CLEMENAA

CERTIFICATE OF DELIVERED BY MAIL

I certify that on 11/16/15 at 3:30 pm I mailed by United States Postal Service in postage prepaid envelopes, sent by certified mail, return receipt requested, true copies of the foregoing citation along with a copy of the **PLAINTIFF'S ORIGINAL PETITION** attached to each such citation, all in accordance with the District Clerk standard mailing procedures, and properly addressed to the following person and address:

By Alice Clement Deputy Clerk
CLEMENAA

7015 0640 0004 7843 9541 AAC CICM
281,077-C
Schneider National Carriers, Inc
By Serving Its Registered Agent
CT Corporation System
1999 Bryan Street, Suite 900
Dallas, TX 75201-3136





RETURN OF CITATION BY CERTIFIED MAIL

Cause No. 281077 - 0

ARNOLD MOTL
VS
SCHNEIDER NATIONAL CARRIERS INC

IN THE
169TH DISTRICT COURT
BELL COUNTY, TEXAS

ADDRESS FOR SERVICE:
SCHNEIDER NATIONAL CARRIERS INC
1999 BRYAN STREET, SUITE 900

DALLAS, TEXAS 752013136

Came to hand on November 16, 2015, and executed by mailing to SCHNEIDER NATIONAL CARRIERS INC by certified mail, return receipt requested with restricted delivery, a true copy of this citation together with an attached copy of PLAINTIFF'S ORIGINAL PETITION to the above address.

Service upon the Defendant is evidenced by the return receipt incorporated herein and attached hereto.

signed by Chris Wells and dated Dec. 1, 2015

This citation was not executed for the following reason:

To certify which witness my hand officially

JOANNA STATON, District Clerk
Bell County, Texas
1201 West Huey Road
P.O. Box 909
Belton, Texas 76513
By: Alice Clemet Deputy Clerk
CLEMENAA

ATTACH RETURN RECEIPT(S) WITH ADDRESSEE'S
SIGNATURES UNLESS DELIVERY UNSUCCESSFUL

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

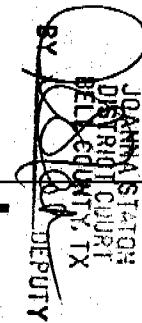
- Sender: Please print your name, address, and ZIP+4® in this box*

Joanna Staton
Bell County District Clerk
P.O. Box 909
Belton, Texas 76513

USPS TRACKING #



9590 9401 0010 5168 9330 36



2015 DEC -4

AM 8:31

FILED

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

7015 0640 0004 7843 9541 AAC CICM/
281,077-C
Schneider National Carriers, Inc
By Serving Its Registered Agent
CT Corporation System
1999 Bryan Street, Suite 900
Dallas, TX 75201-3136



9590 9401 0010 5168 9330 36

2 Article Number (Transfer from service label)

7015 0640 0004 7843 9541

COMPLETE THIS SECTION ON DELIVERY

A. Signature

 Agent Addressee

B. Received by (Printed Name)

Chris Wall

C. Date of Delivery

DEC 12 2015

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Red Mail
- Red Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery
- Under \$500

PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt

CAUSE NO. 281,077-C

ARNOLD MOTL	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
	§	
V.	§	BELL COUNTY, TEXAS
	§	
SCHNEIDER NATIONAL CARRIERS, INC., a.k.a. SCHNEIDER NATIONAL BULK CARRIERS, INC., & DETONIO A. PRICE	§	
<i>Defendants.</i>	§	
	§	
	§	169 TH DISTRICT COURT

**DEFENDANT'S VERIFIED ORIGINAL ANSWER
AND REQUEST FOR DISCLOSURES**

NOW COMES Schneider National Carriers, Inc. (improperly named, Schneider National Carriers, Inc. a.k.a. Schneider National Bulk Carriers, Inc.), Defendant in the above entitled and numbered cause, and files its Original Answer. In support of Schneider National Carriers, Inc.'s Original Answer, Defendant would respectfully show unto the Court and Jury as follows:

**I.
GENERAL DENIAL**

1. The Texas Rules of Civil Procedure and, in particular Rule 92, affords citizens and corporations of this state certain protections with respect to lawsuits of this type. Accordingly, Defendant invokes the provisions of that rule and do generally deny the allegations now made against them by the Plaintiff and his attorney.

2. At any trial of this cause, Defendant will exercise its legal rights in this regard and require Plaintiff to carry the burden of proof, which the law imposes upon him, to prove each and every material allegation contained in his pleadings by a preponderance of the credible evidence.

II.
DEFENSES

3. Defendant would show that Plaintiff's alleged injuries and damages were proximately caused by Plaintiff's own negligent conduct, both of omissions and commissions, in one or more of the following respects: (1) failing to maintain his tractor-trailer in a single lane; (2) making an improper right turn; (3) driver's inattentiveness; and (4) failing to keep a proper lookout.

4. Each of these acts and/or omissions, singularly, or in combination with the others, constituted negligence, which proximately caused the occurrence made the basis of Plaintiff's action and all damages alleged in this case.

5. Further, Schneider National Carriers, Inc. a.k.a. Schneider National Bulk Carriers, Inc. is not liable in the capacity in which it has been sued.

III.

6. Defendant states that it is entitled to submit Plaintiff name before the jury for a determination of his proportional responsibility pursuant to Chapter 33 of the TEXAS CIVIL PRACTICE & REMEDIES CODE.

IV.

7. In regards to damages with respect to Plaintiff's loss of earnings, if any, these damages are limited to a net loss after reduction for income tax payments or unpaid tax liability pursuant to any federal income tax law as set forth in § 18.091 of the TEXAS CIVIL PRACTICE & REMEDIES CODE.

8. Further, Defendant would show that as to medical expenses only the amount actually paid and/or incurred by Plaintiff is recoverable by Plaintiff in this lawsuit. TEX. CIV. PRAC. & REM. CODE §41.0105. Any amount that is discounted,

written off, or adjusted following contribution of a third party payor (including but not limited to Medicaid, Medicare or by Managed Care Administrator) is not an amount that is “paid or incurred,” and should not be submitted to the jury or included in any economic damage award.

V.

9. Defendant states that Plaintiff is not entitled to recover punitive or exemplary damages in any form or fashion in his alleged cause of action in that it would violate Defendant's rights under the Constitution of the United States and the Constitution of the State of Texas. In the alternative, and without waiving the foregoing, Defendant is entitled to the protections afforded to it under TEX. CIV. PRAC. & REM. CODE §41.003 et. seq.

VI.
REQUEST FOR DISCLOSURE

10. Pursuant to Tex. R. Civ. P. 194, Plaintiff is hereby requested to disclose within 30 days after service of this Original Answer and Request for Disclosure, the information or material listed in Rule 194.2, with such information or material to be produced at Castagna Scott LLP, 1120 S. Capital of Texas Highway, Building 2, Suite 270, Austin, Texas 78746.

VII.
JURY DEMAND

11. Defendant tenders its statutory jury fee and demands a trial by jury.

VIII.
PRAAYER

WHEREFORE, PREMISES CONSIDERED, Defendant Schneider National Carriers, Inc., (improperly named, Schneider National Carriers, Inc. a.k.a. Schneider

National Bulk Carriers, Inc.), prays that upon final hearing of this cause that the Court enter its judgment to the effect that Plaintiff takes nothing by way of his cause of action against the Defendant, that Defendant is awarded court costs, legal interest, both prejudgment and post judgment interest, and for such other and further relief to which Defendant may be justly entitled, either at law or in equity.

Respectfully submitted,

CASTAGNA SCOTT LLP
1120 S. Capital of Texas Highway
Building 2, Suite 270
Austin, Texas 78746
512/329-3290
888/255-0132 fax

By: /s/ Celeste Kronenberger
Lynn S. Castagna
State Bar No. 03980520
Celeste P. Kronenberger
State Bar No. 24048946
celeste@texasdefense.com

**ATTORNEYS FOR DEFENDANT
SCHNEIDER NATIONAL CARRIERS,
INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served on all counsel of record in the manner indicated below:

Via Facsimile: (254) 939-3996

Steven B. Fuller
Miller & Pearson, Attorneys at Law
520 S. Main Street
Belton, Texas 76513

and in accordance with the Texas Rules of Civil Procedure, on this 18th day of December, 2015.

/s/ Celeste Kronenberger
Celeste P. Kronenberger

VERIFICATION

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Celeste Kronenberger, a person known to me, who after being duly sworn stated under oath that she is one of the attorneys of record in this cause; that she has read the foregoing Original Answer; and that every statement contained in it is true and correct to the best of her knowledge.



Celeste P. Kronenberger

SUBSCRIBED AND SWORN TO before me on this the 18th day of December,
2015.





Notary Public - State of Texas

[Print this page](#)

Case # 281,077-C

Case Information

Location Bell County - District Clerk
Date Filed 12/18/2015 01:01:19 PM
Case Number 281,077-C
Case Description
Assigned to Judge
Attorney Celeste Kronenberger
Firm Name Castagna Scott LLP
Filed By Tove Sebring
Filer Type Not Applicable

Fees

Convenience Fee \$0.92
Total Court Case Fees \$0.00
Total Court Filing Fees \$30.00
Total Court Service Fees \$2.00
Total Filing & Service Fees \$0.00
Total Service Tax Fees \$0.00
Total Provider Service Fees \$0.00
Total Provider Tax Fees \$0.00
Grand Total \$32.92

Payment

Account Name Barclay New
Transaction Amount \$32.92
Transaction Response Approved
Transaction ID 13543893
Order # 008303353-0

Answer/Response

Filing Type EFileAndServe
Filing Code Answer/Response
Filing Description Defendant's Verified Original Answer and Request for Disclosures
Reference Number 7575.32547
Comments Please file in your usual manner.
Status Accepted
Accepted Date 12/21/2015 09:45:12 AM
Fees
Court Fee \$30.00

Service Fee	\$0.00
Optional Services	
>Jury Fee	\$30.00
Documents	
<i>Lead Document</i>	2015-12-16 Defendant Schneider OA.pdf [Original] [Transmitted]

eService Details

Name/Email	Firm	Service Type	Status	Served	Date/Time Opened
Steven B. Fuller sfuller@bellcountylawyer.com	Miller & Pearson, Attorneys at Law	EServe	Sent	Yes	12/18/2015 02:26:32 PM
Lynn Castagna lynn@texasdefense.com	Castagna Scott LLP	EServe	Sent	Yes	Not Opened
Celeste Kronenberger celeste@texasdefense.com		EServe	Sent	Yes	Not Opened
Tove Sebring tove@texasdefense.com	Castagna Scott, LLP	EServe	Sent	Yes	Not Opened

CAUSE NO. 281,077-C

ARNOLD MOTL	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
	§	
V.	§	BELL COUNTY, TEXAS
	§	
SCHNEIDER NATIONAL CARRIERS,	§	
INC., a.k.a. SCHNEIDER NATIONAL	§	
BULK CARRIERS, INC., & DETONIO A.	§	
PRICE	§	
<i>Defendants.</i>	§	169 TH DISTRICT COURT

**DEFENDANT SCHNEIDER NATIONAL CARRIERS, INC.'S NOTICE OF INTENTION
TO USE DOCUMENTS AND TANGIBLE ITEMS**

COMES NOW, Schneider National Carriers, Inc. (improperly named, Schneider National Carriers, Inc. a.k.a. Schneider National Bulk Carriers, Inc.), one of the Defendants in the above numbered and entitled cause, and files its Notice of Intention to Use Documents and Tangible Items, and as grounds therefore would respectfully show unto the Court the following:

I.

Defendant Schneider National Carriers, Inc. intends to use the documents and tangible items produced by Plaintiff, including those documents and items produced in Plaintiff's Request for Production responses, and Plaintiff's Request for Disclosure responses, against Plaintiff at any hearing or trial in this matter.

II.

Defendant Schneider National Carriers, Inc. is providing this Notice pursuant to Texas Rules of Civil Procedure 193.7.

Respectfully submitted,

CASTAGNA SCOTT LLP
1120 S. Capital of Texas Highway
Building 2, Suite 270
Austin, Texas 78746
(512) 329-3290
(888) 255-0132 (Fax)

By: /s/ Celeste Kronenberger
Lynn Castagna
Texas State Bar No. 03980520
Lynn@texasdefense.com
Celeste P. Kronenberger
State Bar No. 24048946
Celeste@texasdefense.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served on all counsel of record in the manner indicated below:

Via Facsimile: (254) 939-3996

Steven B. Fuller
Miller & Pearson, Attorneys at Law
520 S. Main Street
Belton, Texas 76513

and in accordance with the Texas Rules of Civil Procedure, on the 21st day of December, 2015.

/s/ Celeste Kronenberger
Celeste P. Kronenberger

[Print this page](#)

Case # 281,077-C

Case Information

Location Bell County - District Clerk
Date Filed 12/21/2015 12:37:12 PM
Case Number 281,077-C
Case Description
Assigned to Judge
Attorney Celeste Kronenberger
Firm Name Castagna Scott LLP
Filed By Tove Sebring
Filer Type Not Applicable

Fees

Convenience Fee \$0.06
Total Court Case Fees \$0.00
Total Court Filing Fees \$0.00
Total Court Service Fees \$2.00
Total Filing & Service Fees \$0.00
Total Service Tax Fees \$0.00
Total Provider Service Fees \$0.00
Total Provider Tax Fees \$0.00
Grand Total \$2.06

Payment

Account Name Barclay New
Transaction Amount \$2.06
Transaction Response Approved
Transaction ID 13559071
Order # 008322689-0

Notice

Filing Type EFileAndServe
Filing Code Notice
Filing Description Defendant Schneider National Carriers, Inc.'s
Reference Number 7575.32547
Comments Please file in your usual manner. Thank you.
Status Accepted
Accepted Date 12/21/2015 02:45:05 PM
Fees

Court Fee	\$0.00
Service Fee	\$0.00

Documents

Lead Document 2015-12-17 193.7.pdf [Original] [Transmitted]

eService Details

Name/Email	Firm	Service Type	Status	Served	Date/Time Opened
Lynn Castagna lynn@texasdefense.com	Castagna Scott LLP	EServe	Sent	Yes	12/21/2015 12:47:23 PM
Celeste Kronenberger celeste@texasdefense.com		EServe	Sent	Yes	12/21/2015 01:07:17 PM
Tove Sebring tove@texasdefense.com	Castagna Scott, LLP	EServe	Sent	Yes	Not Opened
Steven B. Fuller sfuller@bellcountylawyer.com	Miller & Pearson, Attorneys at Law	EServe	Sent	Yes	12/21/2015 12:46:22 PM

Search Results

Civil Case Data

Case Number	Case Sequence	Cause Title	File Court	Date Filed	Style 1 / Plaintiff	Style 2 / Defendant	Judgement Date	Judgement Title	Assigned Judge
281077	0	Injury/Damage Auto	169	2015-11-05	MOTL, ARNOLD	SCHNEIDER NATIONAL CARRIERS INC		Not Final	ADAMS

Party Data

Case Number	Case Seq	Party Type	Party Name	Last Name	First Name
281077	0	SP	ARNOLD MOTL	MOTL	ARNOLD
281077	0	SD	SCHNEIDER NATIONAL CARRIERS INC	SCHNEIDER NATIONAL CARRIERS IN	C
281077	0	A	SCHNEIDER NATIONAL BULK CARRIERS INC	SCHNEIDER NATIONAL BULK CARRIE	RS INC
281077	0	D	DETTONIO A. PRICE	PRICE	DETTONIO A.

Attorney Data

Case Number	Case Seq	Attorney Name	Last Name	First Name
281077	0	CELESTE P. KRONENBERGER	KRONENBERGER	CELESTE P.
281077	0	STEVEN B. FULLER	FULLER	STEVEN B.

Description

Case Number	Case Seq	Description Date	Description	Desc Seq
281077	0	2015-11-05	PLAINTIFF'S ORIGINAL PETITION BY FULLER	1
281077	0	2015-11-05	COVER LETTER FOR CITATIONS	2
281077	0	2015-11-05	REQUEST FOR SERVICE FORM	3
281077	0	2015-11-05	EFILING CASE INFORMATION SHEET	4
281077	0	2015-11-16	CLERKS COPY OF CITATION BY MAIL X2-MAILED 11/16/15	5
281077	0	2015-11-19	**- file folder given to VIEW	6
281077	0	2015-11-19	**- file folder returned- VIEW	7
281077	0	2015-12-04	SERVED CICM TO SCHNEIDER NATIONAL CARRIERS INC	8
281077	0		-SIGNED BY CHRIS WELLS-12/1/2015	9
281077	0		Server- Certified Mail- C/M	10
281077	0	2015-12-21	DEFENDANT'S VERIFIED ORIGINAL ANSWER AND REQUEST F	11

281077	0		OR DISCLOSURE BY CELESTE P. KRONEN	12
281077	0	2015-12-21	EFILING CASE INFORMATION SHEET	13
281077	0	2015-12-21	DEFENDANT SCHNEIDER NATIONAL CARRIERS, INC'S	14
281077	0		NOTICE OF INTENTION TO USE DOCUMENTS AND TANGIBLE	15
281077	0		ITEMS	16
281077	0	2015-12-21	EFILING CASE INFORMATION SHEET	17

Scheduled Settings

Case Number	Case Seq	Court Number	Court Date	Court Time	Hearing Status	Setting Code
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No Data to Report